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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

LAVERNE NORMAN JONES,

Plaintiff and Appellant,

v.

WILLIE DENNIS, JR.,

Defendant and Respondent.

A142023

(Alameda County
Super. Ct. No. RG11571966)

Plaintiff Laverne Norman Jones appeals an adverse trial court judgment on her complaint against defendant Willie Dennis, Jr., alleging claims arising from a failed business partnership between the parties. We affirm.

BACKGROUND

The parties entered into a partnership to run a party bus business. Plaintiff paid for two buses, referred to by the parties as the “little bus” and the “big bus,” and defendant brought experience in the transportation industry. After operating for some years, the partnership ended. Plaintiff filed the instant lawsuit.

A bench trial was held at which the parties were the sole witnesses. In its statement of decision, the trial court “did not find either of [the parties] to be consistently credible.” The trial court reviewed the parties’ testimony which set forth inconsistent versions of the partnership’s terms. The court reviewed written contracts submitted into evidence and found them “not clear within their four corners.” The court continued, “[t]he only extrinsic evidence in this case is contradictory testimony, backed up by minimal documentation.” The trial court also found it “completely unclear how much

money was actually made in the cour[se] of their business, which party invested how much money into the upkeep and repair of the two buses, and which party kept what portion of what money was made.” The court found, “all that has been proven is that the parties agreed to enter into a 50-50 partnership to run a party bus business and that [plaintiff] paid for the little bus and big bus. [Plaintiff] does not carry her burden of proof of showing that a valid, enforceable agreement was entered into.” The court issued judgment for defendant on plaintiff’s complaint.¹ Plaintiff appealed.

DISCUSSION

Plaintiff contends the trial court erred in failing to find her entitled to ownership of the little bus. Plaintiff argues the evidence supports her ownership of the little bus because the trial court found she paid for it, defendant failed to prove he had an interest in it, and defendant was not credible.

On appeal, plaintiff elected to proceed with no record of the oral proceedings in the trial court.² “Where no reporter’s transcript has been provided and no error is apparent on the face of the existing appellate record, the judgment must be *conclusively presumed correct* as to *all evidentiary matters*. To put it another way, it is presumed that the unreported trial testimony would demonstrate the absence of error. [Citation.] The effect of this rule is that an appellant who attacks a judgment but supplies no reporter’s transcript will be precluded from raising an argument as to the sufficiency of the evidence.” (*Estate of Fain* (1999) 75 Cal.App.4th 973, 992.)

As plaintiff has not provided us with a record of the oral proceedings, we must presume the evidence at trial supports the trial court’s findings. Her substantial evidence arguments fail.

¹ Defendant had filed a cross-complaint. In the same statement of decision, the trial court found defendant failed to meet his burden on the cross-complaint.

² A party can submit a reporter’s transcript, an agreed statement, or a settled statement. (Cal. Rules of Court, rules 8.130, 8.134, 8.137.)

DISPOSITION

The judgment is affirmed. Defendant shall recover his costs on appeal.

SIMONS, J.

We concur.

JONES, P.J.

BRUINIERS, J.